



Member of the Board

Surface Transportation Board
Washington, D.C. 20423-0001

October 2, 2017

The Honorable John Thune
Chairman
Senate Committee on Commerce, Science,
and Transportation
511 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Bill Nelson
Ranking Member
Senate Committee on Commerce, Science,
and Transportation
716 Hart Senate Office Building
Washington, DC 20510

The Honorable Deb Fischer
Chairman
Subcommittee on Surface Transportation
and Merchant Marine Infrastructure,
Safety, and Security
454 Russell Senate Office Building
Washington, DC 20510

The Honorable Cory Booker
Ranking Member
Subcommittee on Surface Transportation
and Merchant Marine Infrastructure,
Safety, and Security
359 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Thune, Ranking Member Nelson, Subcommittee Chairman Fischer, and Subcommittee Ranking Member Booker:

On behalf of the Surface Transportation Board (STB or Board), I am pleased to provide the Board's third quarter 2017 reports in accordance with the Surface Transportation Board Reauthorization Act of 2015 (STB Reauthorization Act). I will also provide an update on several matters that may be of interest.

As you know from the Board's August 16, 2017 letter, the Board is taking a number of actions concerning the rail service issues on the CSX Transportation, Inc. (CSX) rail system. Weekly calls between CSX's senior officials and Board staff continue, and CSX has been providing the Board specific metrics on a weekly basis as requested in mid-August. CSX also provided a document it believes is responsive to the Board's request for a detailed schedule for the remaining implementation of its new operating plan, which was to include key action items and milestones for the balance of 2017. The weekly CSX metrics and implementation schedule are posted on the Board's website to assist shippers, other railroads, and interested stakeholders in their own service monitoring and to promote transparency in the Board's ongoing efforts to address this very important rail service matter.

The Board has also rescheduled its public listening session on CSX's rail service issues and recovery efforts for Wednesday, October 11, 2017, which will be held at our offices in Washington, DC. The public listening session was initially scheduled for September 12, 2017, but postponed due to Hurricane Irma. CSX senior executives are expected to report on CSX's efforts to remedy service problems. The listening session will also give rail shippers and other stakeholders an opportunity to report on recent CSX rail service issues and to discuss whether

additional service recovery measures may be necessary. Later this week, I plan to tour several CSX shippers' facilities located in Tennessee to see first-hand how rail service problems have been impacting their businesses.

With respect to regulatory proceedings, I am very pleased to report that last week, the Board issued a notice of proposed rulemaking (NPRM) to ease some of the agency's long-standing restrictions on ex parte communications. The intent of the revised regulations is to enhance the Board's ability to make informed decisions through increased stakeholder input while ensuring that the Board's record-building process in its rulemaking proceedings remains transparent and fair. Comments on this proposal are due by November 1, 2017, and replies are due by November 16, 2017. It is my hope that commenters will support this proposal and/or offer helpful suggestions to the Board for improving access. My goal is that any changes to the Board's ex parte rules can be finalized soon after the comment period closes. I believe that changing these rules would leave the Board in a better position to resolve its more controversial, significant proceedings. In the meantime, please be assured that the Board will continue to provide transparency regarding the agency's regulatory agenda in full compliance with the STB Reauthorization Act.

You may recall from my July 3 letter that efforts were ongoing to resolve technical issues delaying the Board's issuance of the 2015 Waybill Sample and other important Board work. The 2015 Public Use Waybill Sample was finally released on September 29, 2017. On the same day, the Board also issued a decision in Railroad Cost Recovery Procedures—Productivity Adjustment, Docket No. EP 290 (Sub-No. 4), which provided a tentative calculation of changes in railroad productivity based on data in the Waybill Sample and adopted a linking factor to allow comparison to prior years. The Board will hold a technical workshop with interested parties and Board staff on October 17, 2017, to explain the proposed linking factor and to answer related technical questions.

Finally, last week, Daniel R. Elliott, III, announced his resignation from the Board effective September 30, 2017. Dan served as the Board's Chairman during most of his eight-year tenure, until January when he became the Vice Chairman. Dan will be missed by his Board Member colleagues and Board staff. Upon his resignation, two of the Board's five membership positions remain filled.

Thank you for your continued interest in the Board and its work. If you have any questions, please contact me at 202-245-0204.

Sincerely,



Ann Begeman
Acting Chairman

Report on Pending STB Regulatory Proceedings – September 30, 2017

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Surface Transportation Board

1. Review of the General Purpose Costing System

Popular Title: Review of the General Purpose Costing System

RIN 2140-AB14

Stage: Proposed Rule

Previous Stage: NPRM served 02/04/2013; End of Comment Period 09/05/2013; SNPRM served 08/04/2016 (published in Fed. Reg. 08/10/2016); End of Comment Period 11/07/2016.

Abstract: The Board proposes certain changes to its general purpose costing system—the Uniform Railroad Costing System (URCS). Specifically, the Board proposes in a Supplemental Notice of Proposed Rulemaking to modify certain inputs into Phase II of URCS and to modify certain cost calculations in Phase III of URCS in order to eliminate the “make-whole adjustment” in Phase III. The Board proposes certain other related changes to URCS, including proposals for locomotive unit-miles and train miles allocations, that would result in more appropriate rail movement costs.

Effects:

Paperwork Reduction Act

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 02/04/2013

Docket Number: EP 431 (Sub-No. 4)

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	05/2017	1/2018	N/A

Explanation for any delay: The previous projected target date of 11/2017 is being extended two additional months to provide the Board additional time to work on this proposal given the complexity of the issues involved.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

2. Rail Fuel Surcharges (Safe Harbor)

Popular Title: Rail Fuel Surcharges (Safe Harbor)

RIN 2140-AB17

Stage: Pre-Rule

Previous Stage: ANPRM served 05/29/2014; End of Comment Period 10/15/2014.

Abstract: The Board is giving shippers, rail carriers, and other interested parties the opportunity to comment on the Board's "safe harbor" standard, which allows carriers to rely on a Board-approved fuel index to measure changes in fuel prices for purposes of their fuel surcharge programs.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 05/29/2014

Docket Number: EP 661 (Sub-No. 2)

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	09/2016	TBD	N/A

Explanation for any delay: The new projected date was modified in the January 2017 report, explaining that the Board is in a time of transition with potential changes to the Board's membership due to the changeover in administration. The new projected target date remains TBD because the Board has not reached a consensus on a next action.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

3. Expanding Access to Rate Relief

Popular Title: Expanding Access to Rate Relief

RIN 2140-AB16

Stage: Pre-Rule

Previous Stage: ANPRM served 08/31/2016; End of Comment Period 12/19/2016.

Abstract: The Board is considering procedures that could comprise a new rate reasonableness methodology for use in very small disputes, which would be available to shippers of agricultural products and all other commodities.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 08/31/2016

Docket Number: EP 665 (Sub-No. 2)

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	06/2017	TBD	N/A

Explanation for any delay: The 06/2017 date for next action was established in the January 2017 report. The Board did not reach a consensus on a June Board action. The new projected target date was changed to TBD in the July 2017 report.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

4. Review of Commodity, Boxcar, and TOFC/COFC Exemptions

Popular Title: Expanding Access to Rate Relief

RIN 2140-AB29

Stage: Proposed Rule

Previous Stage: NPRM served 03/23/2016; Order granting the Association of American Railroads' request for extension of time served 05/06/2016; End of Comment Period 08/26/2016.

Abstract: In this proceeding, the Board proposes to revoke the existing class exemptions under 49 C.F.R. Part 1039 for (1) crushed or broken stone or rip rap; (2) hydraulic cement; and (3) coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes or tailings.

Effects:

Regulatory Flexibility Act

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 03/23/2016

Docket Number: EP 704 (Sub-No. 1)

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	01/2017	TBD	N/A

Explanation for any delay: The new projected date was modified in the January 2017 report, explaining that the Board is in a time of transition with potential changes to the Board's membership due to the changeover in administration. The new projected target date remains TBD.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

5. Reciprocal Switching

Popular Title: Competitive Switching Rules

RIN 2140-AB10

Stage: Proposed Rule

Previous Stage: NPRM served 07/27/2016.

Abstract: The Board proposes regulations which would allow a party to seek a reciprocal switching prescription that is either practicable and in the public interest or necessary to provide competitive rail service, in accordance with 49 U.S.C. § 11102(c)(1).

Effects:

None

Prompting action: Petition from the National Industrial Transportation League.

Legal Deadline: None

Rulemaking Project Initiated: 07/27/2016

Docket Number: EP 711 (Sub-No. 1)

Dates for Notice of Proposed Rulemaking:

Milestone	Scheduled Date	New Projected Date	Actual Date
NPRM Service Date	06/2016	07/2016	07/27/2016
Comment Period Ends	09/26/2016	10/26/2016	N/A
Reply Period Ends	10/10/2016	01/13/2017	N/A
Ex Parte Meetings	Beginning 01/30/2017	N/A	N/A

Explanation for any delay: N/A

Federal Register Citation for NPRM: 81 Fed. Reg. 51,149 (Aug. 3, 2016)

Surface Transportation Board

6. Railroad Revenue Adequacy

Popular Title: Revenue Adequacy

RIN 2140-AB19

Stage: Pre-Rule

Previous Stage: Notice served 04/02/2014; End of Comment Period 11/04/2014; Hearing 07/22/2015 and 07/23/2015.

Abstract: The Board is exploring its methodology for determining railroad revenue adequacy, as well as the revenue adequacy component used in judging the reasonableness of rail freight rates.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 04/02/2014

Docket Number: EP 722

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	10/2016	TBD	N/A

Explanation for any delay: The new projected target date was modified in the April 2017 report, changing it from June 2017 to TBD, in recognition of a new Administration and expected changes to the Board's membership. The new projected target date remains TBD.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

7. Expediting Rate Cases

Popular Title: Expediting Rate Cases

RIN # 2140-AB33

Stage: Proposed Rule

Previous Stage: ANPRM served 06/15/2016; End of Comment Period 08/29/2016; NPRM served 03/31/2017; End of Comment Period 06/14/2017.

Abstract: As mandated by the Surface Transportation Board Reauthorization Act of 2015, Pub. L. No 114-110, the Board is assessing procedures that are available to parties in litigation before courts to expedite rate litigation and consider the potential application of any such procedures to rate cases. The Board is also assessing whether there are additional changes to the SAC case process that could help the Board meet the expedited timeline for a final decision established under the STB Reauthorization Act.

Effects:

None

Prompting action: Surface Transportation Board Reauthorization Act of 2015

Legal Deadline: 06/15/2016 (Initiate Proceeding)

Rulemaking Project Initiated: 12/18/2015

Docket Number: EP 733

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Next Action	11/2017	N/A	N/A

Explanation for any delay: N/A

Federal Register Citation for Next Action: N/A

Surface Transportation Board

8. Revisions to the Cost-of-Capital Composite Railroad Criteria

Popular Title: Revisions to the Cost-of-Capital Composite Railroad Criteria

RIN # TBD

Stage: Proposed Rules

Previous Stage: NPRM served 4/18/2017; End of Comment Period 6/19/2017.

Abstract: To better reflect the current marketplace, the Board is proposing to update one of the screening criteria used to create the “composite railroad” for the Board’s annual cost-of-capital determination. Specifically, the Board proposes that one of its screening criteria now require a company’s stock to be listed on either the New York Stock Exchange (NYSE) or the Nasdaq Stock Market (NASDAQ), rather than be listed on either the NYSE or American Stock Exchange (AMEX), as the AMEX is no longer in existence.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 4/18/2017

Docket Number: EP 664 (Sub-No. 3)

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Next Action	10/2017	N/A	N/A

Explanation for any delay: N/A

Federal Register Citation for Next Action: N/A

Surface Transportation Board

9. Ex Parte Communications in Informal Rulemaking Proceedings

Popular Title: Ex Parte

RIN # 2140-AB39

Stage: Proposed Rules

Previous Stage: NPRM served 9/29/2017.

Abstract: The Board is proposing to modify its regulations to permit, subject to disclosure requirements, ex parte communications in informal rulemaking proceedings. The Board is also proposing other changes to its ex parte rules that would clarify and update when and how interested persons may communicate informally with the Board regarding pending proceedings other than rulemakings. The intent of the proposed regulations is to enhance the Board's ability to make informed decisions through increased stakeholder communications while ensuring that the Board's record-building process in rulemaking proceedings remains transparent and fair.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 9/29/2017

Docket Number: EP 739

Dates for Notice of Proposed Rulemaking:

Milestone	Scheduled Date	New Projected Date	Actual Date
NPRM Service Date	N/A	N/A	9/28/2017
Comment Period Ends	11/1/2017	N/A	N/A
Reply Period Ends	11/16/2017	N/A	N/A

Explanation for any delay: N/A

Federal Register Citation for NPRM: Not yet available.

Quarterly Status Report of Rate Complaint Cases Before the STB - 3RD QUARTER 2017

Docket No:	NOR 42142
Case Name:	Consumers Energy Co. v. CSX Transportation, Inc.
Commodities:	Coal

Rate Review Type (SAC, SSAC, 3-Benchmark or Other):	SAC and Revenue Adequacy
Origin(s):	Interchange with BNSF in the vicinity of Chicago, IL
Destination(s):	Campbell Generating Station near West Olive, MI

Procedural Schedule:	
Date on Which Proceeding Began:	January 13, 2015
*Discovery Completed:	July 1, 2015
Opening Evidence:	November 2, 2015 / January 23, 2017 (supplemental)
Reply Evidence:	March 7, 2016 / March 6, 2017 (supplemental)
Rebuttal Evidence:	May 20, 2016 / April 13, 2017 (supplemental)
Closing Briefs:	June 24, 2016

Merits Decision:	<i>January 12, 2018</i>
Petition for Reconsideration or Reopening	NA
Replies to Petitions for Reconsideration or Reopening	NA
Decision Making Technical Corrections	NA
Merits Decision on Reconsideration or Reopening	NA

Italics indicate dates of future events, which are subject to change.

Brief Description of the Final Decisions:	
	<i>TBD</i>

** Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed.*

CONSUMERS ENERGY CO. v. CSX TRANSPORTATION, Docket No. NOR 42142

Complete Timeline (Significant Filings and Decisions Only)

Consumers Complaint	January 13, 2015
CSXT Answer	February 2, 2015
CSXT Motion to Dismiss Revenue Adequacy Claim	March 24, 2015
Consumers Reply to CSXT Motion to Dismiss	April 13, 2015
Discovery Conference	April 21, 2015
STB Decision Denying CSXT Motion to Dismiss Rev. Adeq. Claim	June 15, 2015
Technical Conference	June 23, 2015
Close of Discovery*	July 1, 2015
STB Decision Adopting Procedures for Formatting of Evidence	July 15, 2015
Discovery Conference	July 20, 2015
Consumers Opening Evidence	November 2, 2015
CSXT Reply Evidence	March 7, 2016
CSXT Reply	March 7, 2016
CSXT Workpapers	March 7, 2016
CSXT Errata Sheet	March 8, 2016
CSXT Errata Sheet	March 8, 2016
Consumers Petition for Technical Conference	March 14, 2016
STB Decision directing CSXT to file Response to Technical Conference	March 16, 2016
CSXT Reply to Consumers Technical Conference	March 21, 2016
STB Decision denying request for Technical Conference	April 6, 2016
CSXT Reply and Submission of Workpapers in response to STB Decision	April 8, 2016
Consumers Motion to Modify Procedule Schedule	April 13, 2016
CSXT Reply to Consumers Motion to Modify the Procedule Schedule	April 15, 2016
STB Decision Granting in Part Consumers Motion to Modify Procedurale Schedule	April 20, 2016
Consumers Workpapers	May 20, 2016
Consumers Rebuttal	May 20, 2016
Consumers Rebuttal	May 20, 2016
CSXT Confidential Errata to Reply Evidence	May 26, 2016
CSXT Errata Sheet	May 26, 2016
Consumers Reply to CSXT Errata Evidence	May 27, 2016
CSXT Letter requesting the Board to accept its Errata Sheet	June 1, 2016
STB Decision Directing Parties to Prepare Closing Briefs	June 3, 2016
Consumers Errata Sheet	June 3, 2016
Consumers Errata Sheet	June 3, 2016
CSXT Motion to Strike	June 24, 2016
CSXT Motion to Strike	June 24, 2016
CSXT Final Brief	June 24, 2016
CSXT Final Brief	June 24, 2016
Consumers Final Brief	June 24, 2016
Consumers Final Brief	June 24, 2016
Consumers Motion to Remove CSXT Motion to Strike	June 27, 2016
Consumers Reply to CSXT Motion to Strike	July 14, 2016
Consumers Petition for Leave to Supplement Record	July 14, 2016
CSXT Reply to Consumers Petition for Leave to Supplement Record	July 26, 2016
STB Decision Ruling on Consumers Petition for Leave to Supplement Record and CSXT Motion to Strike, and Directing Parties to File Supplemental Evidence	December 9, 2016
Consumers Supplemental Opening Evidence	January 23, 2017
CSXT Supplemental Reply Evidence	March 6, 2017
Consumers Supplemental Rebuttal Evidence	April 13, 2017
CSXT Motion to Strike	May 3, 2017
Consumers Reply to CSXT Motion to Strike	May 23, 2017

* Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed

Rail Rate Cases at the STB

(1996 to Present) - Last Updated 09/30/2017

Docket No	Case Name	Commodity	Guidelines Used	Date of Decision	Decision
41191	West Texas v. BNSF	Coal	SAC	5/3/1996	Rates Unreasonable
37809	McCarty Farms v. BN	Grain	SAC	8/20/1997	Rates Reasonable
41185	APS v. ATSF	Coal	SAC	4/17/1998	Rates Unreasonable
41989	Pepco v. CSX	Coal	SAC	6/18/1998	Settlement
42012	Sierra Pacific v. UP	Coal	SAC	7/17/1998	Settlement
41670	Shell Chemical v. NS	Chemical	Simplified	3/12/1999	Settlement
41295	PPL v. Conrail	Coal	SAC	5/13/1999	Settlement
42034	PSI Energy v. Soo	Coal	SAC	5/13/1999	Settlement
42022	FMC v. UP	Minerals	SAC	5/12/2000	Rates Unreasonable
42038	MN Power v. DMIR	Coal	Stipulated R/VC	1/5/2001	Settlement
42051	WPL v. UP	Coal	SAC	5/14/2002	Rates Unreasonable
42054	PPL v. BNSF	Coal	SAC	8/20/2002	Rates Reasonable
42059	Northern States v. UP	Coal	Stipulated R/VC	8/7/2003	Settlement
42077	APS v. BNSF	Coal	SAC	12/31/2003	Withdrawn
42056	TMPA v. BNSF	Coal	SAC	9/27/2004	Rates Unreasonable
42069	Duke v. NS	Coal	SAC	10/20/2004	Rates Reasonable
42070	Duke v. CSXT	Coal	SAC	10/20/2004	Rates Reasonable
42072	Carolina Power v. NS	Coal	SAC	10/20/2004	Rates Reasonable
42057	Xcel v. BNSF	Coal	SAC	12/14/2004	Rates Unreasonable
42058	AEPCO v. BNSF	Coal	SAC	3/15/2005	Rates Reasonable
42093	BP Amoco v. NS	Chemical	Simplified	6/28/2005	Settlement
42071	Otter Tail v. BNSF	Coal	SAC	1/27/2006	Rates Reasonable
42091	APS v. BNSF	Coal	SAC	2/10/2006	Settlement
42097	Albemarle v. LNW	Chemical	SAC	11/14/2006	Settlement
42098	Williams Olefins v. GTC	Chemical	Simplified	2/15/2007	Settlement
42095	KCPL v. UP	Coal	Stipulated R/VC	5/19/2008	Rates Unreasonable
42088	Western Fuels v. BNSF	Coal	SAC	2/18/2009	Rates Unreasonable
42112	E.I. Dupont v. CSX	Chemical	SAC	5/11/2009	Settlement
41191 (S1)	AEP Texas v. BNSF	Coal	SAC	5/15/2009	Rates Reasonable
42111	Oklahoma Gas v. UP	Coal	Stipulated R/VC	7/24/2009	Rates Unreasonable
42099	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42100	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42101	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42114	U.S. Magnesium v. UP	Chemical	Three-Benchmark	1/28/2010	Rates Unreasonable
42115	U.S. Magnesium v. UP	Chemical	Simplified Sac	4/2/2010	Settlement
42116	U.S. Magnesium v. UP	Chemical	Simplified Sac	4/2/2010	Settlement
42122	NRG v. CSXT	Coal	SAC	7/8/2010	Settlement
42110	Seminole Electric v. CSXT	Coal	SAC	9/27/2010	Settlement
42113 (S1)	AEPCO v. UP	Coal	SAC	4/15/2011	Settlement
42128	SMEPA v. NS	Coal	SAC	8/31/2011	Settlement
41191 (S1)	AEP Texas v. BNSF	Coal	SAC-Remand	10/26/2011	Settlement
42113	AEPCO v. BNSF & UP	Coal	SAC	11/22/2011	Rates Unreasonable
42132	Canexus v. BNSF	Chemical	Three-Benchmark	7/20/2012	Settlement
42127	IPA v. UP	Coal	SAC	11/2/2012	Withdrawn
42123	M&G Polymers v. CSXT	Chemicals	SAC	1/7/2013	Settlement
42125	DuPont v. NS	Chemicals	SAC	3/24/2014	Rates Reasonable
42130	SunBelt v. NS	Chemical	SAC	6/20/2014	Rates Reasonable
42136	IPA v. UP	Coal	SAC	10/8/2014	Settlement
42088	Western Fuels v. BNSF	Coal	SAC	6/15/2015	Settlement
42121	TPI v. CSXT	Chemicals	SAC	9/14/2016	Rates Reasonable
Pending before the STB					

Docket No	Case Name	Commodity	Guidelines Used	Date of Decision	Decision
42142	Consumers v. CSXT	Coal	SAC	TBD	TBD

Notes to Table:

1. SAC = Stand-Alone Cost Methodology Applied for a Hypothetical Railroad.
2. Simplified = Using a Simplified, Rather than SAC, Methodology for Determining the Reasonableness of Rates as Set Forth in Coal Rate Guidelines, Nationwide, 1 I.C.C.2d 520 (1985) (Guidelines).
3. Stipulated R/VC = Parties Agreed to Use Revenue to Variable Cost (R/VC) Ratios @ 180% Level, in Lieu of Using SAC.
4. Three-Benchmark Methodology = Methodology of Seeking Relief Pursuant to the Revised Simplified Procedures as Set Forth in Simplified Standards for Rail Rate Cases, STB Ex Parte No. 646 (Sub-No. 1) (STB served Sept. 5, 2007) and any additional Sub-No. decisions.

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF FORMAL SERVICE COMPLAINTS

Date: September 30, 2017

The Surface Transportation Board Reauthorization Act of 2015 mandated that the Surface Transportation Board (STB) publish a quarterly report of formal service complaints received by the agency. *See* STB Reauthorization Act of 2015, sec. 6(b), Pub. L. No. 114-110 (2015). During the July 1, 2017 – September 30, 2017 period, the following formal service-related complaints were pending:

Formal Service-Related Complaints:

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
1/19/2012	Failure to prioritize Amtrak trains over freight trains	National Railroad Passenger Corporation— Section 213 Investigation of Substandard Performance on Rail Lines of Canadian National Railway Company	NOR 42134	Midwest	National Railroad Passenger Corporation (Amtrak)	Canadian National Railway Company, Grand Trunk Western Railway, Illinois Central Railroad	Final rules regarding on-time performance standard issued 7/28/2016 in Docket No. EP 726. Petitions for judicial review of those rules filed by multiple parties and ultimately consolidated in the U.S. Court of Appeals for the Eighth Circuit. Proceeding removed from abeyance by decision served 9/15/2016. Amtrak revised on-time performance data filed 10/17/2016. Decision denying a petition for reconsideration of an earlier motion to dismiss issued 10/21/2016.

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							<p>Requests to hold the proceeding in abeyance and responses to Amtrak's on-time performance data received 10/25/2016; reply to the motion to hold in abeyance received 11/10/2016.</p> <p>Oral argument on the petitions for review of EP 726 held by the Eighth Circuit 2/8/2017.</p> <p>Eighth Circuit vacated Board's EP 726 on-time performance final rule 7/12/2017.</p>
2/27/2013	Application for terminal trackage rights	BNSF Railway Company— Terminal Trackage Rights—Kansas City Southern Railway and Union Pacific Railroad Company	FD 32760 (Sub-No. 46)	Louisiana	BNSF Railway Company	BNSF Railway Company, Union Pacific Railroad Company, Kansas City Southern Railway	<p>Decision granting BNSF's application for terminal trackage rights served 7/5/2016.</p> <p>Appeal filed with the U.S. Court of Appeals for the District of Columbia Circuit 9/1/2016. Appeal ordered to be held in abeyance by the DC Circuit 1/3/2017 to allow parties to reach agreement regarding certain terms and conditions.</p>
11/17/2014	Failure to prioritize Amtrak trains over freight trains	National Railroad Passenger Corporation— Investigation of	NOR 42141	Midwest, Mid-Atlantic	National Railroad Passenger Corporation (Amtrak)	CSX Transportation, Inc.; Norfolk Southern Railway Company	Final rules regarding on-time performance standard issued 7/28/2016 in EP 726. Petitions for judicial review of those rules filed by multiple parties

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
		Substandard Performance of the Capital Limited					<p>and ultimately consolidated in the U.S. Court of Appeals for the Eighth Circuit.</p> <p>Amtrak revised on-time performance data submitted 10/17/2016. Requests to hold the proceeding in abeyance and responses to Amtrak's on-time performance data received 10/25/2016; reply to the motion to hold in abeyance received 11/10/2016.</p> <p>Oral argument on the petitions for review of EP 726 held by the Eighth Circuit 2/8/2017.</p> <p>Eighth Circuit vacated Board's EP 726 on-time performance final rule 7/12/2017.</p> <p>Norfolk Southern Railway Company's request that the Board act on its motion to dismiss received 9/1/2017. Amtrak's request for an extension to submit its reply received 9/11/2017.</p>
3/31/2015	Unreasonable tariff and practices	North American Freight Car Association v. Union Pacific Railroad Company	NOR 42144	Nationwide	North American Freight Car Association; American Fuel & Petrochemicals Manufacturers; The	Union Pacific Railroad Company	Motion to consolidate this proceeding with NOR 42150 and NOR 42152 received 1/26/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
					Chlorine Institute; The Fertilizer Institute; American Chemistry Council; Ethanol Products, LLC d/b/a Poet Ethanol Products; Poet Nutrition, Inc.; and Cargill Incorporated		served 3/31/2017. In discovery.
12/7/2015	Demurrage and service frequency issues	Finch Paper LLC—Petition for Declaratory Order	FD 35981	Mid-Atlantic	Finch Paper LLC	Canadian Pacific Railway, Delaware and Hudson Railway Company	Evidentiary record being developed. Decision issued by Administrative Law Judge (ALJ) 1/18/2017 was appealed to the Board 1/25/2017. ALJ decision affirmed by the Board 3/24/2017. Finch Paper's supplemental opening filed 6/26/2017; CP Rail's supplemental reply due 7/17/2017; and Finch Paper's rebuttal due 7/31/2017. Decision granting a joint motion to dismiss the petition for declaratory order served 8/29/2017.
6/30/2016	Common carrier violation and unreasonable practices	Dyno Nobel Louisiana Ammonia, LLC v. NuStar Pipeline Operating	NOR 42147	Louisiana	Dyno Nobel Louisiana Ammonia, LLC	NuStar Pipeline Operating Partnership, L.P.	Decision holding the proceeding in abeyance pending resolution of the parties' state law issues served 3/24/2017. Petition for reconsideration of that

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		Partnership, L.P.					decision filed 4/7/2017; reply filed 4/27/2017. Decision issued September 29, 2017.
12/19/2016	Unreasonable practice and violation of statutory obligation to compensate car owners	Valero Marketing & Supply Company v. Union Pacific Railroad Company	NOR 42150	Unspecified	Valero Marketing & Supply Company; and Valero Rail Partners, LLC	Union Pacific Railroad Company	Complaint filed 12/19/2016. Motion for abeyance received 1/6/2017; reply and motion to consolidate received 1/26/2017; motion to compel received 2/24/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144 served 3/31/2017. In discovery.
12/30/2016	Unreasonable practice and violation of statutory obligation to compensate car owners	Tesoro Refining & Marketing Company LLC v. Union Pacific Railroad Company	NOR 42152	Unspecified	Tesoro Refining & Marketing Company LLC; Tesoro Great Plains Gathering & Marketing LLC; and Dakota Prairie Refining, LLC	Union Pacific Railroad Company	Complaint filed 12/30/2016. Motion for abeyance received 1/6/2017; reply and motion to consolidate received 1/26/2017; motion to compel received 2/24/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144 served 3/31/2017. In discovery.
1/4/2017	Unreasonable practice and petition for injunctive relief	CF Industries Sales, LLC v. Canadian National Railway Company	NOR 42151	Unspecified	CF Industries Sales, LLC	Canadian National Railway Company	Complaint filed 1/4/2017. Answer filed 1/24/2017. Joint motion requesting Board-sponsored mediation granted 2/6/2017. Joint procedural schedule adopted 2/27/2017. Mediation period extended to 10/5/2017.
2/1/2017	Petition for enforcement of merger condition to	Union Pacific Corporation, Union Pacific Railroad	FD 32760	Texas	BNSF Railway Company & Mission Rail	Union Pacific Railroad Company, BNSF	Joint petition for enforcement filed 2/1/2017. Reply filed 5/25/2017. Rebuttal and

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
	permit a railroad access to another railroad's line	Company & Missouri Pacific Railroad Company— Control and Merger— Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp. and The Denver and Rio Grande Western Railroad Company			Industrial Park, LLC	Railway Company	Petition for Leave filed 6/16/2017. Motion to dismiss or hold proceeding in abeyance to allow for arbitration filed 2/21/2017; replies filed 3/7/2017. Decision denying the motion served 5/5/2017. Drafting decision.
8/1/2017	Unreasonable practice and violation of statutory obligation to compensate car owners	Arkema Inc. v. Union Pacific Railroad Company	NOR 42153	Unspecified	Arkema Inc.	Union Pacific Railroad Company	Complaint filed 8/1/2017. Union Pacific's motion to consolidate with NOR 42150, NOR 42152, and NOR 42144, received 8/9/2017; answer to the complaint (8/23/2017), reply (8/29/2017), and supplement to the motion to consolidate (9/8/2017) received.

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
8/11/2017	Service issues, common carrier violation, and unreasonable practices	Foresight Coal Sales, LLC v. CSX Transportation	NOR 42155	Nationwide	Foresight Coal Sales, LLC; Sugar Camp Energy, LLC; and Williamson Energy, LLC	CSX Transportation, Inc.	Complaint filed 8/11/2017. Answer and motion to dismiss filed 8/31/2017.
8/11/2017	Service issues, common carrier violation, and unreasonable practices	Consolidation Coal Co. v. CSX Transportation, Inc.	NOR 42156	Nationwide	Consolidation Coal Company	CSX Transportation, Inc.	Complaint filed 8/11/2017. Answer and motion to dismiss filed 8/31/2017.
8/14/2017	Service issues, including an unlawful embargo.	Monticello Farm Service, Inc. v. CSXT Transportation, Inc.	NOR 42154	Indiana	Monticello Farm Service, Inc.	CSXT Transportation, Inc.	Complaint filed 8/14/2017. Answer filed 9/1/2017. Joint procedural schedule filed 9/20/2017.
8/21/2017	Petition to institute a proceeding to address service issues.	Joint Petition of Foresight Coal Sales, LLC, Sugar Camp Energy, LLC, Williamson Energy, LLC, & Consolidation Coal Company to Institute a Proceeding to Address the Adequacy of CSX Transportation, Inc.'s Coal Transportation Service	EP 741	Illinois Basin & Northern Appalachia	Foresight Coal Sales, LLC, Sugar Camp Energy, LLC, Williamson Energy, LLC, & Consolidation Coal Company	CSX Transportation, Inc.	Petition filed 8/21/2017. Petition denied, by decision served 8/24/2017, as unnecessary given the ongoing efforts in <i>Public Listening Session Regarding CSX Transportation, Inc.'s Rail Service Issues</i> , Docket No. EP 742.

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		Originating in the Illinois Basin & Northern Appalachia					

SURFACE TRANSPORTATION BOARD
 QUARTERLY REPORT OF INFORMAL SERVICE COMPLAINTS RECEIVED
 THIRD QUARTER 2017

Date: September 30, 2017

The Surface Transportation Board Reauthorization Act of 2015 mandated that the Surface Transportation Board (STB) publish a quarterly report of informal service complaints received by the agency. See STB Reauthorization Act of 2015, sec. 6(b), Pub. L. No: 114-110 (2015). During the period from July 1, 2017 through September 30, 2017, the STB received the following informal complaints¹:

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
03/28/2017	Railroad service issue	South	Shipper's inbound cars are not switched in a timely manner and railroad has been unresponsive to requests for information; railroad service issues are causing production problems at shipper's plant; RCPA provided information on formal and informal options; shipper will review and follow up [Pending]	

¹ A table showing the quarterly inquiries received by the STB's Rail Customer and Public Assistance (RCPA) office is attached as an Appendix to this report.

² Matters reported as "Pending" on the previous quarterly report are carried forward to the next quarterly report.

³ **Northeast:** Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania; **South:** Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas; **Midwest:** North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio; **West:** Washington, Idaho, Montana, Wyoming, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and Hawaii.

⁴ This Quarterly Report may identify the complainant that submitted an informal complaint only upon the written consent of the complainant. Surface Transportation Board Reauthorization Act of 2015, sec. 6(b).

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
04/25/2017	Railroad service issue	South	Shipper expressed concern over deteriorating and unreliable service leading to delays in receiving loaded cars; RCPA per shipper's request, liaised with serving railroad and shipper; following series of communications with both parties, service improved; shipper and RCPA continue to monitor the developments, and further discussions may take place, as needed [Closed]	
05/15/2017	Railroad demurrage issue	South	Shipper presented concern over rail operations causing demurrage; railroad did not serve customer for several weeks, then delivered bunched cars; accumulated cars took several days to unload because of limited capacity at shipper's plant; shipper has requested RCPA assistance in communicating with railroad [Pending]	
06/13/2017	Railroad service issue	South	Shipper voiced concern about deteriorating rail service and shortage of car supply, which have disrupted its supply chain; RCPA offered informal guidance on commercial and operational issues; and offered to liaise with railroad; shipper requested that RCPA liaise with railroad, but not disclose its identity; RCPA contacted railroad [Closed]	
06/15/2017	Railroad service issue	Midwest	Shipper relayed concerns about cars stuck at local serving yard for several days and not being switched to plant, which is threatening production; at request of shipper, RCPA has contacted railroad to ascertain service issues and secure delivery of stranded cars [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
06/29/2017	Railroad service issue	West	Shortline railroad requested assistance from RCPA concerning suspension of interchange with Class I railroad; after conferring with shortline, RCPA reached out to Class I railroad to discuss issues and resumption of interchange [Pending]	
06/30/2017	Railroad service issue	South	Shipper contacted RCPA to discuss concerns over problems with switching outbound traffic and delays at interchange between bridge carrier and Class I railroads, which are disrupting its supply chain; RCPA reached out to shipper to discuss issues and explore options to improve service [Pending]	
07/05/2017	Railroad service issue	South	Shipper contacted RCPA to discuss concerns over disruptions to rail service, following railroad's change in operating plan; shipper stated that due to unreliable service, it was shipping product by truck; furthermore, shipper stated that service changes were put into effect without notice; RCPA provided informal guidance and counseling to shipper; shipper did not request direct assistance with railroad [Closed]	
07/10/2017	Railroad service issue	West	Shipper contacted RCPA about service disruption arising from dispute over spur track maintenance responsibilities; RCPA counseled shipper on legal and commercial issues and offered to liaise with railroad on shipper's behalf; shipper and railroad were able to resolve disputed issues, allowing repair work to commence and rail service to be restored [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/11/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA liaised with both short line and Class I railroad to reestablish regular interchange and expedite the flow of inbound empty equipment [Closed]	
07/13/2017	Railroad common carrier obligation	West	Shipper contacted RCPA concerning efforts to move historical rolling stock, asserting that railroad was refusing to provide requested service; liaised informally with shipper and railroad in order to facilitate movement of rolling stock; however, favorable resolution was not achieved [Closed]	
07/17/2017	Railroad track lease agreement	West	Logistics services provider requested assistance in renewal of railroad track lease agreement integral to its operations; provider was facing possible loss of use of the track; RCPA facilitated communications between parties [Closed]	
07/18/2017	Railroad tariff access	West	Consulting firm contacted RCPA seeking access to railroad tariffs under new STB rules; liaised with railroad personnel on firm's behalf to secure access in accordance with STB regulations [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/18/2017	Railroad service issue	South	Shipper contacted RCPA about deterioration in rail service following railroad's changes to operating plan, including loaded cars stuck at interchange with originating carrier and not being pulled by railroad; shipper stated it was trucking its product and implementing other mitigation measures; inbound empty cars were also delayed, forcing production slowdown; RCPA repeatedly liaised with railroad to understand service problems and bring about improvement [Pending]	
07/19/2017	Railroad service issue	Midwest	Shipper contacted RCPA about deterioration in rail service following railroad's changes to operating plan, including a significant increase in missed loadings and increased transit times; RCPA provided information about formal and informal pathways before the Board and liaised with railroad about service issues; however, shipper declined to continue with informal RCPA assistance [Closed]	
07/20/2017	Railroad service issue	South and Midwest	Shipper trade association contacted RCPA to discuss deterioration of service on railroad following changes to railroad's operating plan; association members were experiencing erratic service and significant increases in transit times; RCPA discussed service problems and potential formal and informal actions of the STB [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/20/2017	Railroad service issue	Midwest	Shipper contacted RCPA about unreliable and erratic rail service following changes to railroad's operating plan; shipper was unable to obtain empty cars to load product, forcing slowdown and/or shutdown of production and lost business opportunities; shipper requested and received guidance from STB on potential formal and informal avenues for reestablishing access to rail network [Closed]	
07/20/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA liaised with shortline and Class I railroad to reestablish regular interchange and expedite the flow of inbound empty equipment [Closed]	
07/20/2017	Railroad service issue	Northeast and South	Shipper contacted RCPA about significant deterioration in rail service following railroad's changes to operating plan; shipper's plants were not being switched, loaded and empty cars were not moving, and cars were not being interchanged with other railroads; RCPA liaised with railroad on behalf of shipper to reiterate concerns and obtain information about service recovery efforts; RCPA also assisted shipper in getting railroad to move critical loads [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/20/2017	Railroad service issue	Northeast and South	Shipper contacted RCPA about decline in rail service following railroad's changes to operating plan; shipper's loaded and empty cars were not moving, cars were not being interchanged with other railroads, and shipper's transit times increased dramatically; RCPA liaised with railroad on behalf of shipper to reiterate concerns and obtain information about service recovery efforts [Pending]	
07/21/2017	Railroad service issue	South	Shipper contacted RCPA about serious decline in rail service following railroad's change in operating plan; shipper discussed massive increases in transit times, which forced shipper to move freight via truck, inconsistent service, and shortages of equipment; RCPA provided information of potential formal and informal actions by the STB to facilitate service improvements; shipper declined direct RCPA contact with railroad about service issues [Pending]	
07/21/2017	Railroad service issue	South	Shipper contacted RCPA about serious deterioration in rail service following railroad's changes to operating plan; shipper's plants were not being switched, loaded and empty cars were not moving, and cars were not being interchanged with other railroads; RCPA liaised with railroad on behalf of shipper to reiterate concerns and obtain information about service recovery efforts, and also discussed potential formal and informal action by the Board [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/24/2017	Railroad service issue	South	Shipper contacted RCPA about deterioration in rail service following railroad's changes to operating plan; shipper's plant was not receiving empty cars to load, causing production slow down, and loaded cars were not reaching customers, causing loss of business; RCPA liaised with railroad on shipper's behalf and assisted in securing movement of empty and loaded cars [Pending]	
07/25/2017	Railroad service issue	Unknown	Shipper contacted RCPA about railroad's deterioration in service, and sought information about the common carrier obligation; RCPA provided informal guidance on the common carrier obligation [Closed]	
07/27/2017	Railroad service issue	Midwest and South	Shipper contacted RCPA about decline in rail service following railroad's changes to operating plan; shipper's fleet was experiencing massive increase in overall transit time, and cars were not being interchanged with other railroads; shipper also noted new commercial practices which were impacting its ability to send shipments to various locations; shipper also discussed railroad's lack of equipment and crew resources; however, shipper declined direct RCPA involvement on its behalf [Pending]	
07/27/2017	Railroad service issue	South	Shipper contacted RCPA about disruption to rail service following railroad's implementation of new operating plan, and requested immediate assistance in movement of critical loads to prevent shutdown; RCPA liaised with railroad to ascertain status of cars and facilitate movement to destination [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/27/2017	Railroad service issue	Midwest	Shipper contacted RCPA about decline in rail service following railroad's implementation of new operating plan; shipper expressed concern about loaded railcars stuck in yards, and longer, circuitous and/or unpredictable routings; RCPA discussed problems with shipper and potential formal and informal STB actions, but shipper declined direct RCPA assistance with railroad [Closed]	
07/28/2017	Railroad service issue	South	Shipper contacted RCPA about decline in rail service following railroad's implementation of new operating plan; shipper relayed concern over three-day plant shutdown due to delayed inbound raw materials; RCPA liaised with railroad to secure prompt delivery from local yard, allowing production to resume [Closed]	
07/28/2017	Railroad service issue	South	Shipper contacted RCPA about decline in rail service following railroad's implementation of new operating plan; RCPA provided information about potential formal and informal STB actions to improve service; shipper declined direct RCPA assistance with railroad [Closed]	
07/28/2017	Railroad service issue	Midwest	Shipper contacted RCPA about service disruptions following railroad's implementation of new operating plan, including inconsistent local switching and cars stranded in rail yards; RCPA liaised with railroad on shipper's behalf to expedite movement of delayed cars and obtain information about service issues [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/28/2017	Railroad service issue	South	Shipper contacted RCPA about service problems arising after railroad initiated new operating plan; outbound cars not being accepted in interchange and transit times have increased significantly; shipper requested informal guidance on potential legal actions against railroad, but declined informal assistance from RCPA [Pending]	
07/28/2017	Railroad service issue	South	Shipper contacted RCPA about service problems after railroad implemented changes to operating plan, resulting in delayed interchange of inbound raw materials with shortline carrier; cars were stuck in transit and at yards, significantly increasing transit time and forcing plant shutdown; shipper also noted lack of equipment, causing shipper to move product by truck; RCPA liaised with railroad on shipper's behalf in order to move critical cars and avert shutdown [Pending]	
07/28/2017	Railroad service issue	South, Northeast and Midwest	Shipper contacted RCPA about service disruptions across its network after railroad implemented changes to operating plan, including missed switches, cars stuck in yards, and out of route movements; shipper also reported delayed delivery of empty cars, forcing production slowdown; RCPA liaised with railroad to facilitate movement of critical cars and elevate service issues with railroad [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/31/2017	Railroad service issue	Multiple	Third-party logistics provider contacted RCPA about disruptions to clients' supply chains following railroad's changes to operating plan; 3PL advised that customers' ordering was severely curtailed without notice and that railroad ceased making equipment available to customers; 3PL also reported informational anomalies such as rail cars being re-waybilled in transit and being mistakenly shown as departed or arrived; RCPA provided informal guidance and counseling [Pending]	
07/31/2017	Railroad service issue	Multiple	Shipper contacted RCPA to raise concern over curtailed equipment availability, after railroad implemented new operating plan; RCPA liaised with railroad regarding equipment supply; shipper did not request direct RCPA involvement on its behalf [Closed]	
08/01/2017	Railroad service issue	Multiple	Third-party logistics provider contacted RCPA about potential legal action against railroad due to service disruptions following implementation of new operating plan; RCPA provided informal guidance on the availability of actions in court or before the STB [Closed]	
08/01/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA liaised with railroad to expedite movement of stranded cars [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/01/2017	Railroad rate increase	Multiple	Shipper association contacted RCPA concerning rate increase on product moving in private equipment and differential versus railroad equipment; RCPA provided informal guidance on commercial and legal issues, and liaised with railroad on behalf of association [Closed]	
08/02/2017	Railroad service issue	South	Shipper contacted RCPA about disruption to rail supply chain following railroad's implementation of new operating plan, resulting in customer facility being out of its product; RCPA contacted shipper for additional information; however, shipper declined to pursue the matter [Closed]	
08/02/2017	Railroad service issue	Multiple	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA offered to assist shipper in expediting movement of cars; however, shipper declined to pursue [Closed]	
08/02/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service following railroad's implementation of new operation plan, including cars stuck in yards and increased transit times for loaded and empty cars; RCPA liaised with railroad to facilitate movement of cars and provide information about service disruption [Closed]	
08/02/2017	Railroad service issue	South and Midwest	Shipper contacted RCPA about disruption of rail service following railroad's implementation of new operating plan; RCPA provided informal guidance to shipper on legal and commercial issues; shipper declined informal RCPA outreach to railroad [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/03/2017	Railroad service issue	Midwest	Shipper contacted RCPA about deteriorating rail service following railroad's implementation of new operating plan; RCPA provided guidance on potential formal and informal actions of the STB in order to facilitate service improvements [Closed]	
08/03/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service following railroad's implementation of new operating plan, including missed switches and shortage of cars for loading; RCPA liaised with railroad to facilitate movement of shipper's traffic [Closed]	
08/03/2017	Railroad service issues	South	Shipper contacted RCPA about deteriorating rail service following railroad's implementation of new operation plan, including missed switches, increased transit times for loaded and empty cars, and production shutdown; shipper advised that it is trucking product in order to maintain production; RCPA liaised with the railroad to facilitate movement of loaded railcars to shipper's facility [Closed]	
08/03/2017	Railroad blocked crossing	Midwest	City official contacted RCPA about railroad blocking multiple grade crossings for lengthy time periods; RCPA liaised with railroad to understand causes of blockings and request changes to alleviate problems [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/04/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service following railroad's implementation of new operation plan, negatively affecting interchange traffic and delaying cars in transit; RCPA liaised with railroad and other carriers to obtain information about causes of congestion, facilitate movement of shipper's traffic and return of empty cars [Closed]	
08/04/2017	Railroad service issue	Multiple	Shipper trade association contacted RCPA about disruption of its members' rail service after railroad implemented new operating plan; RCPA provided guidance on formal and informal actions being taken by the Board to facilitate service improvements [Closed]	
08/06/2017	Railroad service issue	South and Midwest	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA liaised with railroad about service problems affecting shipper [Closed]	
08/07/2017	Railroad service issue	South	Shipper contacted RCPA concerning shortage of equipment to load outbound products from its facility; RCPA liaised with railroad and secured commitment to place additional equipment in service, which alleviated supply chain issues [Closed]	
08/07/2017	Railroad service issue	South	Shipper contacted RCPA seeking assistance with shortline railroad concerning inadequate service; RCPA provided guidance on potential formal and informal pathways to improve service [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/07/2017	Railroad service issue	South	Shipper contacted RCPA about service problems following railroad's implementation of new operating plan; RCPA provided guidance on potential formal and informal STB actions to improve rail service; shipper declined direct RCPA assistance [Closed]	
08/08/2017	Railroad service issue	Midwest	Shipper contacted RCPA about service problems following railroad's implementation of new operating plan, including loaded and billed cars stuck at facility and empty cars delayed in transit; shipper also noted that loaded cars were moving out of route and being shuttled between yards; RCPA liaised with railroad to facilitate movement of loaded and empty cars [Closed]	
08/08/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA worked with railroad to reestablish regular and more balanced local service to shipper to alleviate gaps in the flow of inbound raw materials [Closed]	
08/08/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems following railroad's implementation of new operating plan, including significant delay of inbound carloads of raw materials; RCPA liaised with railroad to bring attention to service issues and facilitate movement of delayed cars [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/08/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including delayed delivery of inbound raw materials and resulting plant shutdown; shipper advised that it was trucking product and increasing its fleet to make up for increased and erratic transit times; RCPA liaised with railroad to obtain information about causes of service failures and to facilitate movement of shipper's traffic [Closed]	
08/08/2017	Railroad service issue	Northeast and South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including inconsistent service and shortages of railroad equipment; RCPA provided guidance on potential informal and formal pathways for improving rail service and gave update on actions taken by STB; shipper did not wish to pursue direct engagement by RCPA on its behalf [Closed]	
08/09/2017	Railroad rate availability	West	Third-party logistics provider contacted RCPA about problems obtaining rate quotes from railroad; RCPA provided informal guidance on railroad's duty to quote rates in connection with a request for service [Closed]	
08/09/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan and requested guidance on formal legal actions against railroad; RCPA provided informal guidance on actions potentially available to shipper before the STB and in court [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/10/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including missed switches, out of route movements, and cars stranded in yards; RCPA provided guidance on formal and informal actions being taken by the STB to improve service; shipper declined direct assistance from RCPA [Closed]	
08/10/2017	Railroad service issue	Midwest	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA liaised with railroad to facilitate movement of cars and to provide information to shipper on status of cars [Closed]	
08/10/2027	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; however, shipper did not request direct assistance from RCPA [Closed]	
08/10/2017	Railroad service issue	Multiple	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including cars delayed in transit and stuck in yards, inconsistent and out of route moves, and poor information on car status; RCPA provided informal guidance on formal and informal actions being taken by the STB to improve rail service; shipper did not request direct assistance from RCPA [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/11/2017	Railroad car supply	Midwest	Shipper contacted RCPA about problems ordering cars and orders not being filled; RCPA liaised with railroad to discuss ordering process and fulfillment in order to improve shipper's understanding of railroad's ordering tool; railroad marketing personnel arranged meeting with shipper to address concerns [Closed]	
08/11/2017	Railroad service issue	South and Northeast	Shipper contacted RCPA about deterioration in rail service following railroad's changes to operating plan, including missed switches, increased transit times, and potential production shutdown; RCPA liaised with railroad to facilitate movement of critical carloads and obtain status of cars stranded in yards [Closed]	
08/11/2017	Railroad service issue	Midwest and South	Shipper contacted RCPA about rail service deterioration arising after railroad implemented new operating plan, including cars delayed in transit and stuck in yards, out of route moves, lack of customer service support, unreliable information on car status, and production shutdowns/slow-downs; RCPA liaised with railroad to highlight service problems and to facilitate movement of critical cars [Closed]	
08/11/2017	Railroad service issue	Northeast and South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including cars delayed in transit and stuck in yards, inconsistent and out of route moves, and poor information on car status; RCPA provided informal guidance on formal and informal actions being taken by the STB to improve rail service; shipper did not request direct assistance from RCPA [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/11/2017	Railroad service issue	South	Shipper contacted RCPA about track/switch maintenance fees imposed by railroad; after discussing matter with RCPA, shipper decided to work directly with railroad; shipper will advise RCPA if further assistance is required [Closed]	
08/15/2017	Railroad service issue	South and Midwest	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including cars delayed in transit and stuck in yards, leading to potential shutdown of customer; shipper stated that it is trucking product to maintain its supply chain, but cannot continue to do so; RCPA liaised with railroad to facilitate movement of stranded cars and to obtain information on car status [Closed]	
08/15/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA liaised with railroad to ensure that adequate, timely service was reestablished [Closed]	
08/17/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including cars delayed in transit and stuck in yards, leading to potential shutdown of customers; shipper stated that it is barging and trucking product to maintain its supply chain; shipper requested information on potential legal remedies against railroad; RCPA provided informal guidance on legal actions available in court and before the STB [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/17/2017	Railroad service issue	Midwest and South	Shipper contacted RCPA about rail service deterioration arising after railroad implemented new operating plan, including cars delayed in transit, missed switches and stuck in yards, resulting in production slow down; RCPA liaised with railroad to facilitate movement of stranded cars and to obtain information on car status and strategies for improving service [Closed]	
08/17/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, primarily delayed delivery of inbound raw materials and increased transit times; shipper advised that it is trucking product in order to maintain plant production; RCPA provided informal guidance on formal and informal actions being taken by the STB to improve rail service; shipper did not request direct assistance from RCPA [Pending]	
08/17/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including extended transit times and inconsistent service to customers; shipper noted that it is adding railcars to its fleet and altering production to mitigate service disruptions; RCPA liaised with railroad to facilitate delivery of cars to shipper's customers [Closed]	
08/21/2017	Railroad service issue	West	Shipper contacted RCPA about problems with inconsistent and unreliable service by shortline railroad; RCPA contacted shortline railroad to address service failures and increase communication between the parties regarding service requirements [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/23/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including extended transit times and inconsistent service causing potential plant shutdown; RCPA liaised with railroad to facilitate movement of cars stuck in yards or delayed in transit [Closed]	
08/23/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, causing delayed movement of product; shipper noted that it is trucking product in order to keep customer from shutting down operations; however, shipper did not pursue direct assistance from RCPA [Closed]	
08/23/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, primarily doubling of transit time on inbound raw materials; shipper noted that it has trucked product to avert plant shutdown; however, shipper did not seek direct assistance from RCPA [Closed]	
08/24/2017	Railroad rate levels	West	Shipper contacted RCPA about railroad rate increases at its other facilities after it shifted business from incumbent carrier; RCPA provided informal guidance on STB rate regulation and potential actions before the Board for rate relief [Closed]	
08/25/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan; RCPA provided guidance on formal and informal actions being taken by the Board to facilitate service improvements; shipper did not seek direct assistance from RCPA [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/25/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, primarily cars not being interchanged at gateway and delayed in transit; RCPA provided information on current service issues; shipper declined direct RCPA assistance with railroad after railcars started to move toward destination [Closed]	
08/27/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including increased transit times, unpredictable and unreliable local service, and cars stranded in rail yards, which resulted in loss of plant production; RCPA provided information on current service issues and explained formal and informal actions being taken by the STB; shipper declined direct RCPA assistance with railroad [Closed]	
08/29/2017	Railroad demurrage issue and rate levels	West	Third-party logistics provider contacted RCPA about demurrage dispute and rate increases; RCPA provided informal guidance on liability for demurrage, potential avenues for relief, STB jurisdiction over rates, and a railroad's duty to quote rates on reasonable request; RCPA contacted railroad on 3PL's behalf to discuss rate increases [Pending]	
08/30/2017	Railroad service issue	West	Shipper contacted RCPA about delayed delivery of inbound shipments and out of route movements for its traffic; RCPA contacted railroad to discuss service issues; however, shipper subsequently advised that cars were delivered [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/31/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including increased transit times and increased dwell in rail yards; shipper noted that it was trucking product in order to supply customers; RCPA contacted shipper to discuss service issues; however, shipper declined to pursue the matter further [Closed]	
09/01/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including unreliable and inconsistent local service, loaded and empty cars stuck in yards, significant increases in transit times, out of route movements and poor communications; RCPA contacted shipper; however, shipper did not pursue matter with RCPA [Closed]	
09/05/2017	Railroad Demurrage Issue	Northeast	Shipper contacted RCPA regarding disputed demurrage bills; bills accrued when carrier delayed cars prior to delivery; railroad and shipper agreed to informal mediation to resolve issue [Pending]	
09/06/2017	Railroad service issue	Multiple	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan and requested information about the STB listening session; RCPA provided informal guidance about the listening session, in addition to formal and informal actions being taken by the STB to facilitate service improvement [Closed]	
09/07/2017	Railroad service issue	Northeast	Shipper contacted RCPA about shortline railroad refusing to install switch to provide rail service to its facility; RCPA is liaising with parties for purposes of informal dispute resolution [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
09/12/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including significant increases in transit times; shipper noted that it is barging product to customers; shipper requested contact at railroad to discuss service shortfalls, which RCPA provided; shipper declined additional RCPA assistance [Closed]	
09/13/2017	Railroad service issue	Northeast	Shipper contacted RCPA about demurrage issues and rail service problems on shortline railroad; RCPA provided guidance on formal and informal pathways for resolving dispute and offered to provide informal assistance; shipper postponed RCPA involvement until after further discussions with shortline [Pending]	
09/14/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan; RCPA provided information about formal and informal actions being taken by the STB to facilitate service improvements and sent notice for listening session [Pending]	
09/14/2017	Railroad service issue	Midwest and Northeast	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including significant increases in transit times and inconsistent local service at origin and destination; shipper noted that it is trucking product to customers to prevent production shutdown; RCPA provided perspective on formal and informal actions being taken by the STB to facilitate service improvement, and offered to liaise directly with railroad about critical carloads [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
09/14/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan; RCPA provided guidance on formal and informal actions being taken by the STB to facilitate service improvement [Pending]	
09/14/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including inconsistent local service, significant increases in transit times, and loaded and empty cars stuck in yards; RCPA provided perspective on formal and informal actions being taken by the STB to facilitate service improvements; shipper declined informal RCPA assistance on its behalf [Closed]	
09/15/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including inconsistent local service, significant increases in transit times, and poor communication from railroad; shipper also raised concerns about a car delayed for several months while awaiting repairs; RCPA discussed informal and formal actions being taken by the STB to facilitate service improvements and reached out to railroad to discuss problems [Pending]	
09/20/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan; RCPA contacted shipper to set up time to discuss service issues [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
09/21/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including unreliable local service, loaded and empty cars stuck in yards, significant increases in transit times, out of route movements; shipper noted that it is trucking product to supplement poor rail service; RCPA reached out to railroad to discuss service issues [Pending]	

Note: A table showing the quarterly inquiries received by the STB’s Rail Customer and Public Assistance (RCPA) office is attached below as an appendix to the foregoing report.

Appendix to Quarterly Report of Informal Service Complaints

3rd Quarter 2017 Cases by Category/Region

Issue Category	All Regions	Northeast	South	Midwest	West	Not Specified
Abandonment Records	46	6	6	11	4	18
Acquisition and Operation/Exemption	1	0	0	0	0	1
Arrange Meeting	2	1	0	0	1	0
Bus Issue	3	1	0	0	0	2
Household Movers	14	3	5	0	2	4
Information-Economic Data	9	1	2	2	0	4
Information-Non Economic Request	2	1	1	0	0	0
Motor Carriers (trucks)	8	1	0	0	0	7
Railroad Abandonment/Loss of Service	4	1	1	0	0	2
Railroad Amtrak/Passenger Issue	3	0	1	1	0	0
Railroad Billing Dispute	1	0	0	0	0	1
Railroad Blocked Crossings	4	0	1	1	0	2
Railroad Car Supply	2	0	0	0	1	1
Railroad Claims	1	0	0	0	0	1
Railroad Common Carrier Obligation	2	0	0	1	0	1
Railroad Competition Issues	1	0	0	0	0	1
Railroad Demurrage Charges	2	1	0	0	0	1
Railroad Denial of Rail Service	2	0	0	1	0	1
Railroad Environmental Issues	3	1	0	0	0	2
Railroad Idling Engines/Parked Trains	2	0	0	0	1	1
Railroad Interchange Issue	2	0	1	1	0	0
Railroad Labor Issues	6	2	1	2	1	0
Railroad Lease of track or equipment	1	0	0	0	0	1
Railroad Liability Issues	1	0	0	0	0	1
Railroad Miscellaneous Charges	1	1	0	0	0	0
Railroad Noise - Airhorn, Safety, etc	3	1	0	1	0	1

Issue Category	All Regions	Northeast	South	Midwest	West	Not Specified
Railroad Operating Authority Issue	1	0	0	1	0	0
Railroad Paper Barriers	1	1	0	0	0	0
Railroad Preemption	4	0	1	0	0	3
Railroad Rate Levels/Increases	5	1	1	1	1	1
Railroad Service Issue	87	7	32	12	2	31
Railroad Tariff Issue	1	0	0	0	1	0
Rails to Trails	9	2	0	5	0	2
Real Estate Matter	4	0	2	2	0	0
STB Authority Question	5	2	1	1	0	1
STB Fees	1	0	0	0	0	1
STB Information	42	6	3	4	4	25
STB Jurisdictional Question	8	2	1	1	0	4
STB Oral Hearings	1	1	0	0	0	0
STB Procedural Assistance	58	10	4	13	4	26
STB Recordations or Security Interests on Rail Cars	9	2	1	1	2	3
STB Records Assistance	27	5	8	5	3	6
STB Webpage/Downloading Assistance	2	1	0	0	0	1
Water Carrier	6	0	0	0	0	4
Wrong Agency Calls	9	0	2	0	0	7
Other	5	0	3	1	0	1
Total	403	61	78	68	27	169

U.S. Census Regions:

Northeast Region	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania
South Region	Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas
Midwest Region	North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio
West Region	Washington, Idaho, Montana, Wyoming, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and Hawaii

Appendix to Quarterly Report of Informal Service Complaints

3rd Quarter 2017 Cases per Commodity Group*

Commodity Group	Number
Aggregates	6
Agricultural Products	25
Automobile	1
Chemicals	26
Coal	6
Construction Materials	1
Forest Products	3
Household Goods	11
Industrial Products	10
Intermodal	3
Metals and Minerals	5
Not Specified by Shipper	4
N/A	292
Other	7
Passenger	9
TIH	2
Total	411

*In many cases, the commodity is not specified or material to the case, therefore the total number for this data may not equal the total number for the quarter.